# TRANSCRIPT OF RECORD.

## SUPREME COURT OF THE UNITED STATES.

No. ~~523.~~ ~~297~~ 78

THE UNITED STATES, PLAINTIFFS IN ERROR,

vs.

SAMUEL H. BENNETT, RALPH R. CARPENTER, RUE P. HUTCHINS, AND MORDICA CLARK.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF OHIO.

FILED MARCH 14, 1871.

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## No. 523.

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vs.

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IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF OHIO.

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1 At a circuit court of the United States within and for the sixth judicial circuit and southern district of Ohio, begun and held at the court-house, in the city of Cincinnati, in said district, on the first Tuesday of October, being the fourth day of that month, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States of America the ninety-fifth—

Present, the Honorable H. H. Emmons and the Honorable H. H. Leavitt, judges of said court—

Among the proceedings had were the following, to wit:

THE UNITED STATES OF AMERICA,
*vs.*
SAMUEL H. BENNETT, RALPH R. CARPENTER, Rue P. Hutchins, and Mordica Clark. } 1164.—Debt.

Be it remembered that heretofore, to wit, on the 17th day of April, in the year of our Lord one thousand eight hundred and sixty-nine, came the plaintiffs, by Warner M. Bateman, esq., their attorney, and sued out of the clerk's office of the court aforesaid the writ of summons ad respondendum herein, which said writ is in the words and figures following, to wit:

*Summons.*

UNITED STATES OF AMERICA,
*Southern District of Ohio, ss:*

The President of the United States of America to the marshal of the southern district of Ohio, greeting:

You are hereby commanded to summon Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, citizens of, and residents in, the State of Ohio, if they be found in your district, to be and appear in the circuit court of the United States for the southern district of Ohio aforesaid, at Cincinnati, on the first Tuesday in the month of May, 1869, to answer unto The United States of America of a plea
2 of debt: debt, $11,055; damages, $5,000; due in equity, $11,055; interest from August 21st, 1867.

And have you then and there this writ.

Witness the Honorable Salmon P. Chase, Chief Justice of the United States, this 17th day of April, A. D. 1869, and in the 93d year of the independence of the United States of America.

Attest:

[SEAL.] (Signed) JOHN McLEAN, *Clerk.*

*Cause of action.*

Upon which said writ is the following endorsement, to wit:

Suit brought to recover the sum of $11,055 and interest thereon from August 21st, 1867, due on a transportation bond executed by the defendants to the plaintiffs August 21st, 1867, for the transportation, within sixty days, of $2,513\frac{3}{4}$ gallons of distilled spirits from the bonded warehouse of Bennett and Carpenter, at Greenville, Ohio, to the bonded warehouse of Church Homes, Boston, Mass., according to law; the condition of which is broken.

And afterwards, to wit, on the 4th day of May, in the year last afore-

said, came the said marshal to whom said writ was in form aforesaid directed, and returned the same into the clerk's office of the court aforesaid, with his proceedings endorsed thereon in the words and figures, following, to wit:

*Marshal's return.*

Served by delivering to each of the within-named parties personally a copy hereof. April 23d, 1869.

(Signed) A. HICKENLOOPER,
*U. S. Marshal S. D. O.*,
By A. F. MEDFORD, *Dep'ty.*

3 And afterwards, to wit, on the eighteenth day of May, in the year last aforesaid, an entry was made upon the journal of said court in the words and figures following, to wit:

*Entry.*

On motion to the court it is ordered that the default in the above case be, and the same is hereby, set aside, and plaintiffs have leave to file their declaration herein forthwith, and the same is accordingly filed.

And which said declaration is in the words and figures, following, to wit:

*Declaration.—No.* 1164.

THE UNITED STATES OF AMERICA,
*Southern District of Ohio, ss:*

In the circuit court of the United States within and for the sixth circuit and southern district of Ohio, of the term of April, A. D. 1869.

The United States of America, plaintiffs, complain of Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, defendants in a plea of debt, that they render unto the plaintiffs the sum of eleven thousand and fifty-five dollars, which they owe to, and unjustly detain from, the plaintiffs.

For that whereas heretofore, to wit, on the twenty-first day of August, A. D. 1867, at the district aforesaid, the defendants, by their certain writing obligatory of that date, sealed with their seals and now to the court here shown, acknowledged themselves to be held and firmly bound unto the plaintiffs in the sum of eleven thousand and fifty-five dollars, for the payment whereof they thereby bound themselves, their heirs, executors, and administrators, jointly and severally, which said writing obligatory was and is subject to a certain condition thereunder written, whereby it was conditioned that, if the said Samuel H.

4 Bennett and Ralph R. Carpenter shall transport or cause to be transported, and within thirty days from the date of said writing obligatory shall complete the transportation of the following-described merchandize, viz, fifty barrels of distilled spirits from the bonded warehouse of Bennett & Carpenter, at Greenville, Ohio, directly to the bonded warehouse owned by Church Howes, at Boston, Massachusetts, and shall deliver or cause to be delivered to the collector of internal revenue for the district in which such bonded warehouse is situated, or his officer in charge, and shall, within fifteen days, produce to the collector of internal revenue for the fourth district and State of Ohio, the certificate of

such collector, showing that the said merchandize has been duly delivered and placed in the warehouse above designated according to law, then the said obligation is to be void; otherwise to abide and remain in full force and virtue. And although the said Samuel H. Bennett and Ralph R. Carpenter, at and after the date of the said writing obligatory, to wit, on the day and year last aforesaid, did remove the said fifty barrels of distilled spirits from the bonded warehouse of Bennett and Carpenter, at Greenville, Ohio, yet the said Samuel H. Bennett and Ralph R. Carpenter, not regarding their duty in the premises, nor the covenant of the said writing obligatory in that behalf, did not transport or cause to be transported, and within thirty days from the date of said obligation complete the transportation of said fifty barrels of distilled spirits from the bonded warehouse of the said Bennett & Carpenter, at Greenville, Ohio, directly to the bonded warehouse of Church Howes, at Boston, Massachusetts, and deliver or cause the same to be delivered to the collector of internal revenue for the district in which such warehouse is situated, or his officer in charge, and within fifteen days thereafter produce to the collector of the fourth district, and State of Ohio, the
5 certificate of such collector, showing that the said merchandize had been duly delivered and placed in the warehouse of the said Church Howes, according to law; but, although often required by the plaintiffs, the said Samuel H. Bennett and Ralph C. Carpenter have wholly neglected and refused to comply with the conditions of their said obligation, contrary to the form of the statutes of the United States of America in such case made and provided, and contrary to the form of the obligation of the said Samuel H. Bennett and Ralph C. Carpenter and Rue P. Hutchins and Mordica Clark, to the damage of the plaintiffs eleven thousand and fifty-five dollars, whereby the said writing obligatory has become forfeited to the plaintiffs, and an action hath accrued to them to have and demand of the defendants the said sum of eleven thousand and fifty-five dollars above demanded. And thereupon they bring this suit.

(Signed) WARNER M. BATEMAN,
*U. S. Attorney S. D. O.*

And afterwards, to wit, on the 13th day of July, in the year last aforesaid, an entry was made upon the journal of said court, in the words and figures following, to wit:

*Entry.*

On motion to the court it is ordered that the defendants have leave to plead herein within sixty days. And this case is continued.

And afterwards, to wit, on the 18th day of January, in the year of our Lord one thousand eight hundred and seventy, an entry was made upon the journal of said court, in the words and figures following, to wit:

*Entry.*

On motion to the court the default in this cause is hereby set aside, and defendants have leave to plead forthwith, and plea filed.
6 And which said plea is in the words and figures following, to wit:

*Plea.*

United States circuit court, southern district of Ohio.

UNITED STATES
*vs.*
SAMUEL H. BENNETT & AL. } No. 1164.

And now come the said Samuel H. Bennett, Ralph C. Carpenter, Rue P. Hutchins, and Mordica Clark, defendants, and, for a plea in this behalf, say that said plaintiffs ought not to have or further maintain this their said action against them, because they say that after said Samuel H. Bennett and Ralph C. Carpenter had failed to comply with the conditions of said writing obligatory, to wit, on the first day of January, 1868, the assessor of the fourth district of Ohio assessed said Samuel H. Bennett and Ralph C. Carpenter for said non-compliance with the conditions of said writing obligatory, the full taxes imposed by law on said fifty barrels of distilled spirits, and said Samuel H. Bennett and Ralph C. Carpenter paid to the collector of said fourth district of Ohio, thereafter, in full, all said taxes so assessed.

Defendants admit that said Samuel H. Bennett and Ralph C. Carpenter did not pay, nor have they since paid the penalty assessed against them on said first day of January, 1868, for failure to comply with the conditions of said supposed writing obligatory, and say, that before said penalty became payable under said assessment, the law providing for said penalty was wholly repealed without any saving clause, and this they are ready to verify. Wherefore defendants say they are not indebted to said plaintiffs upon said writing obligatory; that the
7 same should be cancelled; and they pray judgment if said plaintiffs should have or further maintain this their said action against them.

(Signed) By H. L. BURNETT,
*Their Att'y.*

And afterwards, to wit, on the 25th day of January, in the year last aforesaid, came the plaintiffs by Warner M. Bateman, esq., their attorney, and filed in the clerk's office of the court aforesaid their demurrer to plea of defendants herein, which said demurrer is in the words and figures following, to wit:

*Demurrer.*

U. S. circ't c't.

THE UNITED STATES
*vs.*
SAM'L H. BENNETT ET AL. } No. 1164.

Now come the plaintiffs, by the district attorney, and say that the said plea, and the matters therein contained, are not sufficient in law. Wherefore they pray judgment, &c.

(Signed) W. M. BATEMAN,
*U. S. Att'y, S. D. O.*

And afterwards, to wit, on the 10th day of June, in the year last

aforesaid, an entry was made upon the journal of said court in the words and figures following, to wit:

*Entry.*

On motion to the court, and by consent of parties, it is ordered that the default in the above case be, and the same is hereby, set aside, and defendants have leave to file their joinder in demurrer in this case, forthwith; and the same is accordingly filed.

*Joinder in demurrer.*

United States circuit court, southern district of Ohio.

UNITED STATES
*vs.*
SAMUEL H. BENNETT & AL. } No. 1164.

8 And the said defendants say that the plea aforesaid, in manner and form as the same is by them pleaded, and the matters therein contained are sufficient in law to bar and preclude the said plaintiffs from having their aforesaid action against them, which they, the said defendants, are ready to verify; and because the said plaintiffs have not answered the said plea nor denied the same, the said defendants pray judgment, and that the said plaintiffs may be barred from having or maintaining their said action against them.

(Signed) BURNETT, FOLLETT & WRIGHT,
*Atty's for Def'ts.*

And afterwards, to wit, on the 20th day of January, in the year of our Lord one thousand eight hundred and seventy-one, an entry was made upon the journal of said court, in the words and figures following, to wit:

*Entry of judgment.*

This day this cause came on to be heard upon the demurrer of plaintiffs to the plea of defendants, and was argued by counsel and submitted; and the court being fully advised in the premises do find and adjudge that the said plea and the matters therein contained are sufficient in law to bar the said plaintiffs from their action against the said defendants, therefore it is considered by the court that said defendants go hence without day. To which finding and ruling of the court the plaintiffs, by counsel, except, and pray that the exception may be noted of record.

And afterwards, to wit, on the 24th day of February, in the year last aforesaid, came the plaintiffs, by Warner M. Bateman, esq., their attorney, and filed in the clerk's office of the court aforesaid, their bill of exceptions herein, which said bill is in the words and figures following, to wit:

9 *Bill of exceptions.*

In the circuit court.—In debt.

THE UNITED STATES *vs.* BENNETT ET ALIOS. } No. 1164.

Be it remembered that, at the October, 1870, term of the circuit court of the United States for the sixth circuit and southern district of Ohio, this cause came on to be heard before the judges of the said court upon the demurrer, theretofore by the plaintiffs filed to the defendants' plea, which being argued by counsel, and the court being fully advised in the premises, did consider that the said demurrer was not well taken, and did overrule the same, whereupon the United States, by their district attorney, excepted to the overruling of the said demurrer, and prayed that this their bill of exceptions might be by the said judges *be* signed, sealed, and allowed, which is accordingly done.

(Signed) H. H. LEAVITT, [SEAL.]
*One of the Judges of said Court.*

THE UNITED STATES OF AMERICA,
*Southern District of Ohio, ss :*

I, John McLean, clerk of the circuit court of the United States within and for said district, hereby certify the foregoing transcript to be truly taken and copied from the files and record of said court, as the same remain in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Cincinnati, this 24th day of February, A. D. 1871, and in the 95th year of the independence of the United States of America.

[SEAL.] Attest : JOHN McLEAN, *Clerk.*

10 Supreme Court of the United States.

UNITED STATES OF AMERICA, *ss :*

The President of the United States of America to the honorable the judges of the circuit court of the United States within and for the southern district of Ohio, greeting :

Because in the record and proceedings, and also in the rendition of a judgment in a plea, which is in the said circuit court before you between The United States of America, plaintiff, and Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, defendants, a manifest error hath happened, to the great damage of the said plaintiffs, as by their complaint appears ; and it being fit that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, you are hereby commanded, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at the city of Washington, on the first Monday in the month of December next, in the said Supreme Court, then and there to be held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States should be done.

Witness the Honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States of America the 95th.

[SEAL.] Attest: JOHN McLEAN, *Clerk.*

(Indorsed:) 1164. U. S. circuit court, S. D. O. The United States of America vs. Samuel H. Bennett et al. Writ of error. Filed February 24, 1871. John McLean, cl'k.

11 THE UNITED STATES OF AMERICA,
*Supreme Court of the United States:*

To Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, greeting:

Whereas The United States of America have obtained the allowance of our writ of error to the circuit court of the United States within and for the southern district of Ohio, directed to remove into the said Supreme Court, to be holden at the city of Washington, on the first Monday in the month of December next, the record of a certain plaint, process, proceedings, and judgment in an action of debt, wherein you, the said Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, in that action lately recovered against the said United States of America your judgment, as by the said record in the said circuit court remaining appears, in which said record and proceedings, and also in the rendition of the judgment thereupon, manifest error hath intervened, as by the said The United States of America we are informed, and our said writ of error granted, issued, and allowed as aforesaid, for the purpose of correcting the errors aforesaid alledged, if any there be: You are therefore hereby commanded and cited to be and appear before the judges of the said Supreme Court, at the city of Washington, at the next term of said court, to be holden on the first Monday in the month of December next, to have the errors aforesaid corrected, and the judgment of our said Supreme Court thereupon.

Witness the Honorable Salmon P. Chase, Chief Justice of the United States of America, this 24th day of February, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States of America the 95th.

[SEAL.] H. H. LEAVITT,
*One of the Judges of said Court.*

12 (Indorsed:) 1164. U. S. circuit court, S. D. O. The United States of America vs. Samuel H. Bennett et al. Citation. Filed February 24th, 1871. John McLean, cl'k.

We hereby acknowledge service of the within citation for Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, the defendants in error.

Cincinnati, Feb'y 24th, 1871.

BURNETT, FOLLETT, & WRIGHT,
*Att'ys for Bennett & Others.*

(Indorsement on cover:) No. 523. The United States, plaintiffs in error, vs. Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark. S. Ohio C. C. U. S. Filed 14th March, 1871.

# TRANSCRIPT OF RECORD.

## SUPREME COURT OF THE UNITED STATES.

No. ~~524.~~ 9849

THE UNITED STATES, PLAINTIFFS IN ERROR,

vs.

SAMUEL H. BENNETT, RALPH R. CARPENTER, RUE P. HUTCHINS, AND MORDICA CLARK.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF OHIO.

**FILED MARCH 14, 1871.**

# SUPREME COURT OF THE UNITED STATES.

## No. 524.

THE UNITED STATES, PLAINTIFFS IN ERROR,

vs.

SAMUEL H. BENNETT, RALPH R. CARPENTER, RUE P. HUTCHINS, AND MORDICA CLARK.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF OHIO.

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1 At a circuit court of the United States within and for the sixth judicial circuit and southern district of Ohio, begun and held at the court-house, in the city of Cincinnati, in said district, on the first Tuesday of October, being the fourth day of that month, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States of America the ninety-fifth—

Present, the Honorable H. H. Emmons and the Honorable H. H. Leavitt, judges of said court—

Among the proceedings had were the following, to wit:

THE UNITED STATES OF AMERICA
*vs.*
SAMUEL H. BENNETT, RALPH R. CARPENTER, Rue P. Hutchins, and Mordica Clark. } 1163.—Debt.

Be it remembered that heretofore, to wit, on the 17th day of April, in the year of our Lord one thousand eight hundred and sixty-nine, came the plaintiffs, by Warner M. Bateman, esq., their attorney, and sued out of the clerk's office of the court aforesaid the writ of summons ad respondendum herein, which said writ is in the words and figures following, to wit:

*Summons.*

UNITED STATES OF AMERICA,
*Southern District of Ohio, ss:*

The President of the United States of America to the marshal of the southern district of Ohio, greeting:

You are hereby commanded to summon Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, citizens and residents in the State of Ohio, if they be found in your district, to be and appear in the circuit court of the United States for the southern district of Ohio aforesaid, at Cincinnati, on the first Tuesday in the month of May, 1869, to answer unto The United States of America of a plea
2 of debt: debt, $10,167; damages, $5,000; due in equity, $10,167; interest from Aug. 19th, 1867.

And have you then and there this writ.

Witness the Honorable Salmon P. Chase, Chief Justice of the United States, this 17th day of April, A. D. 1869, and in the 93d year of the independence of the United States of America.

Attest:

[SEAL.] (Signed) JOHN McLEAN, *Clerk.*

*Cause of action.*

Upon which said writ is the following endorsement, to wit:

Suit brought to recover the sum of $10,167 and interest thereon from August 19th, 1867, due on a transportation bond executed by the defendants to the plaintiffs August 19th, 1867, for the transportation, within sixty days, of 2,541⅜ gallons of distilled spirits from the bonded warehouse of Bennett and Carpenter, at Greenville, Ohio, to the bonded warehouse of Church Howes, at Boston, Mass., according to law; the condition of which is broken.

And afterwards, to wit, on the 4th day of May, in the year last afore-

said, came the said marshal to whom said writ was in form aforesaid directed, and returned the same into the clerk's office of the court aforesaid, with his proceedings endorsed thereon in the words and figures, following, to wit:

*Marshal's return.*

Served by delivering to each of the within-named parties personally a copy hereof. April 23d, 1869.

(Signed) A. HICKENLOOPER,
*U. S. Marshal S. D. O.*,
By A. F. MEDFORD, *Deputy.*

And afterwards, to wit, on the eighteenth day of May, in the year last aforesaid, an entry was made upon the journal of said court
3 in the words and figures following, to wit:

*Entry.*

On motion to the court it is ordered that the default in the above case be, and the same is hereby, set aside, and plaintiffs have leave to file their declaration herein forthwith, and the same is accordingly filed.

And which said declaration is in the words and figures following, to wit:

*Declaration.—No.* 1163.

THE UNITED STATES OF AMERICA,
*Southern District of Ohio, ss:*

In the circuit court of the United States within and for the sixth circuit and southern district of Ohio, of the term of April, A. D. 1869.

The United States of America, plaintiffs, complain of Samuel H. Bennett, Ralph C. Carpenter, Rue P. Hutchins, and Mordica Clark, defendants in a plea of debt, that they render unto the plaintiffs the sum of ten thousand one hundred and sixty-seven dollars, which they owe to, and unjustly detain from, the plaintiffs.

For that whereas heretofore, to wit, on the nineteenth day of August, A. D. 1867, at the district aforesaid, the defendants, by their certain writing obligatory of that date, sealed with their seals, and now to the court here shown, acknowledged themselves to be held and firmly bound unto the plaintiffs in the sum of ten thousand one hundred and sixty-seven dollars, for the payment whereof they thereby bound themselves, their heirs, executors, and administrators, jointly and severally, which said writing obligatory was and is subject to a certain condition thereunder written, whereby it was conditioned that, if the said Samuel H. Bennett and Ralph R. Carpenter shall transport or cause to be transported, and within thirty days from the date of said writing obligatory shall
4 complete the transportation of the following-described merchandize, viz, fifty barrels of distilled spirits from the bonded warehouse of Bennett & Carpenter, at Greenville, Ohio, directly to the bonded warehouse owned by Church Howes, at Boston, Massachusetts, and shall deliver or cause to be delivered to the collector of internal revenue for the district in which such bonded warehouse is situated, or his officer in charge, and shall, within fifteen days, produce to the collector of internal revenue for the third district and State of Ohio, the certificate of

such collector, showing that the said merchandise has been duly delivered and placed in the warehouse above designated according to law, then the said obligation is to be void; otherwise to abide and remain in full force and virtue. And although the said Samuel H. Bennett and Ralph C. Carpenter, at and after the date of the said writing obligatory, to wit, on the day and year last aforesaid, did remove the said fifty barrels of distilled spirits from the bonded warehouse of Bennett & Carpenter, at Greenville, Ohio, yet the said Samuel H. Bennett and Ralph R. Carpenter, not regarding their duty in the premises, nor the covenant of the said writing obligatory in that behalf, did not transport or cause to be transported, and within thirty days from the date of said obligation complete the transportation of said fifty barrels of distilled spirits from the bonded warehouse of said Bennett & Carpenter, at Greenville, Ohio, directly to the bonded warehouse of Church Howes, at Boston, Massachusetts, and deliver or cause the same to be delivered to the collector of internal revenue for the district in which such warehouse is situated, or his officer in charge, and within fifteen days thereafter produce to the collector of the fourth district, and State of Ohio, the certificate of such collector, showing that the said merchandize had been duly delivered and placed in the warehouse of the said Church Howes, according to law; but, although often required by the plaintiffs, the said Samuel H. Bennett and Ralph R. Carpenter have wholly neglected and refused to comply with the conditions of their said obligation, contrary to the form of the statutes of the United States of America in such case made and provided, and contrary to the form of the obligation of the said Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, to the damage of the plaintiffs ten thousand one hundred and sixty-seven dollars, whereby the said writing obligatory has become forfeited to the plaintiffs, and an action hath accrued to them to have and demand of the defendants the said sum of ten thousand one hundred and sixty-seven dollars above demanded. And thereupon they bring this suit.

(Signed) WARNER M. BATEMAN,
*U. S. Attorney S. D. O.*

And afterwards, to wit, on the 13th day of July, in the year last aforesaid, an entry was made upon the journal of said court, in the words and figures following, to wit:

*Entry.*

On motion to the court it is ordered that the defendants have leave to plead herein within sixty days. And this case is continued.

And afterwards, to wit, on the 18th day of January, in the year of our Lord one thousand eight hundred and seventy, an entry was made upon the journal of said court, in the words and figures following, to wit:

*Entry.*

On motion to the court the default in this cause is hereby set aside, and defendants have leave to plead forthwith, and plea filed. And which said plea is in the words and figures following, to wit:

*Plea.*

United States circuit court, southern district of Ohio.

6 UNITED STATES
*vs.*
SAMUEL H. BENNETT & AL. } No. 1163.

And now come the said Samuel H. Bennett, Ralph C. Carpenter, Rue P. Hutchins, and Mordica Clark, def'ts, and, for a plea in this behalf, say that said plaintiffs ought not to have or further maintain their said action against them, because they say that after said Samuel H. Bennett and Ralph C. Carpenter had failed to comply with the conditions of said writing obligatory, to wit, on the first day of January, 1868, the assessor of the fourth district of Ohio assessed said Samuel H. Bennett and Ralph C. Carpenter for said non-compliance with the conditions of said writing obligatory, the full taxes imposed by law on said fifty barrels of distilled spirits, and said Samuel H. Bennett and Ralph C. Carpenter paid to the collector of said fourth district of Ohio, thereafter, in full, all said taxes.

Defendants admit that said Samuel H. Bennett and Ralph C. Carpenter did not pay, nor have they since paid the penalty assessed against them on said first day of January, 1868, for failure to comply with the conditions of said writing obligatory, and say that, before said penalty became payable under said assessment, the law providing for said penalty was wholly repealed without saving clause, and this they are ready to verify. Wherefore defendants say they are not indebted to said plaintiffs upon said writing obligatory; that the same should be cancelled; and they pray judgment if said plaintiffs should have or further maintain this *his* said action against them.

(Signed) By H. L. BURNETT,
*Their Att'y.*

7 And afterwards, to wit, on the 25th day of January, in the year last aforesaid, came the plaintiffs, by Warner M. Bateman, esq., their attorney, and filed in the clerk's office of the court aforesaid their demurrer to plea of defendants herein, which said demurrer is in the words and figures following, to wit:

*Demurrer.*

U. S. circ't court.

THE UNITED STATES
*vs.*
SAM'L H. BENNETT ET AL. } No. 1163.

Now comes the plaintiffs, by the district attorney, and say that the said plea, and the matters therein contained, are not sufficient in law. Wherefore they pray judgment, &c.

(Signed) WARNER M. BATEMAN,
*U. S. Att'y.*

And afterwards, to wit, on the 10th day of June, in the year last aforesaid, an entry was made upon the journal of said court in the words and figures following, to wit:

*Entry.*

On motion to the court, and by consent of parties, it is ordered that the default in the above case be, and the same is hereby, set aside, and defendants have leave to file their joinder in demurrer in this case, forthwith; and the same is accordingly filed. And which said joinder in demurrer is in the words and figures following, to wit:

*Joinder in demurrer.*

United States circuit court, southern district of Ohio.

UNITED STATES
*vs.*
SAM'L H. BENNETT & AL. } No. 1163.

And the said defendants say that the plea aforesaid, in manner and form as the same is by them pleaded, and the matters therein con-
8 tained are sufficient in law to bar and preclude the said plaintiffs from having their aforesaid action against them, which they, the said defendants, are ready to verify; and because the said plaintiffs have not answered the said plea nor denied the same, the said defendants pray judgment, and that the said plaintiffs may be barred from having or maintaining their said action against them.

(Signed) BURNETT, FOLLETT & WRIGHT,
*Atty's for Def'ts.*

And afterwards, to wit, on the 20th day of January, in the year of our Lord one thousand eight hundred and seventy-one, an entry was made upon the journal of said court, in the words and figures following, to wit:

*Entry of judgment.*

This day this cause came on to be heard upon the demurrer of plaintiffs to the plea of defendants, and was argued by counsel and submitted; and the court being fully advised in the premises do find and adjudge that the said plea and the matters therein contained are sufficient in law to bar the said plaintiffs from their action against the said defendants; therefore it is considered by the court that said defendants go hence without day. To which finding and ruling of the court the plaintiffs, by counsel, except, and pray that the exception may be noted of record.

And afterwards, to wit, on the 24th day of February, in the year last aforesaid, came the plaintiffs, by Warner M. Bateman, esq., their attorney, and filed in the clerk's office of the court aforesaid, their bill of exceptions herein, which said bill is in the words and figures following, to wit:

*Bill of exceptions.*

In the circuit court. In debt.

THE UNITED STATES
*vs.*
BENNETT ET ALIOS. } 1163.

9 Be it remembered that, at the October, 1870, term of the circuit

court of the United States for the sixth circuit and southern district of Ohio, this cause came on to be heard before the judges of the said court upon the demurrer, theretofore filed by the plaintiffs to the defendants' plea, which being argued by counsel, and the court being fully advised in the premises, did consider that the said demurrer was not well taken, and did overrule the same; whereupon the United States, by their district attorney, excepted to the overruling of the said demurrer, and prayed that this their bill of exceptions might by the said judges be signed, sealed, and allowed, which is accordingly done.

(Signed) H. H. LEAVITT, [SEAL.]
*One of the Judges of said Court.*

THE UNITED STATES OF AMERICA,
*Southern District of Ohio, ss:*

I, John McLean, clerk of the circuit court of the United States within and for said district, hereby certify the foregoing transcript to be truly taken and copied from the files and record of said court, as the same remain in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Cincinnati, this 24th day of February, A. D. 1871, and in the 95th year of the independence of the United States of America.

Attest:
[SEAL.] JOHN McLEAN, *Clerk.*

10 Supreme Court of the United States.

UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the circuit court of the United States within and for the southern district of Ohio, greeting:

Because in the record and proceedings, and also in the rendition of a judgment in a plea, which is in the said circuit court before you, between The United States of America, plaintiff, and Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, defendants, a manifest error hath happened, to the great damage of the said plaintiffs, as by their complaint appears; and it being fit that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, you are hereby commanded, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at the city of Washington, on the first Monday in the month of December next, in the said Supreme Court, then and there to be held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States should be done.

Witness the Honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States of America the 95th.

Attest:
[SEAL.] JOHN McLEAN, *Clerk.*

(Indorsed:) No. 1163. U. S. circuit court, S. D. of O. The United States vs. Samuel H. Bennett et al. Writ of error. Filed February 24th, 1871. John McLean, cl'k.

11 THE UNITED STATES OF AMERICA,
*Supreme Court of the United States:*

To Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, greeting:

Whereas The United States of America have obtained the allowance of our writ of error to the circuit court of the United States within and for the southern district of Ohio, directed to remove into the said Supreme Court, to be holden at the city of Washington, on the first Monday in the month of December next, the record of a certain plaint, process, proceedings, and judgment in an action of debt, wherein you, the said Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, in that action lately recovered against the said United States of America your judgment, as by the said record in the said circuit court remaining appears, in which said record and proceedings, and also in the rendition of the judgment thereupon, manifest error hath intervened, as by the said The United States of America we are informed, and our said writ of error granted, issued, and allowed as aforesaid, for the purpose of correcting the errors aforesaid alledged, if any there be: You are therefore hereby commanded and cited to be and appear before the judges of the said Supreme Court, at the city of Washington, at the next term of said court, to be holden on the first Monday in the month of December next, to have the errors aforesaid corrected, and the judgment of our said Supreme Court thereupon.

Witness the Honorable Salmon P. Chase, Chief Justice of the United States of America, this 24th day of February, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States of America the 95th.

[SEAL.] H. H. LEAVITT,
*One of the Judges of said Court.*

12 (Indorsed:) No. 1163. U. S. circuit court, S. D. of O. The United States vs. Samuel H. Bennett et al. Citation. Filed Feb'y 24th, 1871. John McLean, cl'k.

We hereby acknowledge service of the within citation for Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark, the defendants in error.

Cincinnati, Feb'y 24th, 1871.

BURNETT, FOLLETT, & WRIGHT,
*Att'ys for Bennett & Others.*

(Indorsement on cover:) No. 524. The United States, plaintiffs in error, vs. Samuel H. Bennett, Ralph R. Carpenter, Rue P. Hutchins, and Mordica Clark. S. Ohio C. C. U. S. Filed 14th March, 1871.

# TRANSCRIPT OF RECORD.

## SUPREME COURT OF THE UNITED STATES.

No. ~~525~~ 2980

THE UNITED STATES, PLAINTIFFS IN ERROR,

vs.

WILLIAM W. CRANE, RUE P. HUTCHINS, SIDNEY L. CHAFFEE, AND WILLIAM M. CHAFFEE.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF OHIO.

**FILED MARCH 14, 1871.**

# SUPREME COURT OF THE UNITED STATES.

## No. 525.

THE UNITED STATES, PLAINTIFFS IN ERROR,

vs.

WILLIAM W. CRANE, RUE P. HUTCHINS, SIDNEY L. CHAFFEE, AND WILLIAM M. CHAFFEE.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF OHIO.

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1 At a circuit court of the United States, within and for the sixth judicial circuit and southern district of Ohio, begun and held at the court-house, in the city of Cincinnati, in said district, on the first Tuesday of October, being the fourth day of that month, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States of America the ninety-fifth—present, the Honorable H. H. Emmons, and the Honorable H. H. Leavitt, judges of said court—

Among the proceedings had were the following, to wit:

THE UNITED STATES OF AMERICA
*vs.*
WILLIAM W. CRANE, RUE P. HUTCHINS, SIDNEY L. Chaffee, and William M. Chaffee. } 1162. Debt.

Be it remembered that heretofore, to wit, on the 17th day of April, in the year of our Lord, one thousand eight hundred and sixty-nine, came the plaintiffs, by Warner M. Bateman, esq., their attorney, and sued out of the clerk's office of the court aforesaid the writ of summons ad respondendum, herein, which said writ is in the words and figures following, to wit:

*Summons.*

UNITED STATES OF AMERICA,
*Southern District of Ohio, ss:*

The President of the United States of America to the marshal of the southern district of Ohio, greeting:

You are hereby commanded to summon William W. Crane, Rue P. Hutchins, Sidney L. Chaffee, and William M. Chaffee, citizens of and residents in the State of Ohio, if they be found in your district, to be and appear in the circuit court of the United States for the southern district of Ohio, aforesaid, at Cincinnati, on the first Tuesday in the month of May, 1869, to answer unto the United States of America
2 of a plea debt. Debt $12,000; damages $5,000; due in equity $12,000; interest from August 19th, 1867. And have you then and there this writ.

Witness the Honorable Salmon P. Chase, Chief Justice of the United States, this 17th day of April, A. D., 1869, and in the 93d year of the independence of the United States of America.

Attest:
[SEAL.] (Signed) JOHN McLEAN, *Clerk.*

*Cause of action.*

Upon which said writ is the following endorsement, to wit: Suit brought to recover the sum of $12,000 and interest thereon from August 19th, 1867, due on a transportation bond executed by the defendants to the plaintiffs, August 19th, 1867, for the transportation within 60 days, of 2,875½ gallons of whisky from the bonded warehouse of Crane & Hutchins at Tippecanoe, Ohio, to the bonded warehouse of Church Howes at Boston, Mass., according to law; the condition of which is broken.

And afterwards, to wit, on the 21st day of April in the year last aforesaid, came the said marshal, to whom said writ was in form aforesaid directed, and returned the same into the clerk's office of the court aforesaid with his proceedings endorsed thereon, in the words and figures following, to wit:

*Marshal's return.*

Rec'd this writ April 19, & served the same April 20th, 1869, by leaving a certified copy at the residence & with the wife of Sidney L. Chaffee, and by delivering to William M. Chaffee, William W. Crane, and Rue P. Hutchins, each in person, a certified copy.

(Signed) A. HICKENLOOPER JR.,
*U. S. Marshal, S. D. O.,*
By C. N. BURNS, *Deputy.*

3 And afterwards, to wit, on the eighteenth day of May, in the year last aforesaid, an entry was made upon the journal of said court in the words and figures following, to wit:

*Entry.*

On motion to the court it is ordered that the default in the above case be, and the same is hereby, set aside, and plaintiffs have leave to file their declaration herein, forthwith; and the same is accordingly filed.

And which said declaration is in the words and figures following, to wit:

*Declaration, No. 1162.*

THE UNITED STATES OF AMERICA,
*Southern District of Ohio, ss:*

In the circuit court of the United States within and for the sixth circuit and southern district of Ohio, of the term of April, A. D. 1869.

The United States of America, plaintiffs, complain of William W. Crane, Rue P. Hutchins, Sidney L. Chaffee, and William M. Chaffee, defendants in a plea of debt, that they render unto the plaintiffs in the sum of twelve thousand dollars which they owe to and unjustly detain from the plaintiffs.

For that whereas heretofore, to wit, on the nineteenth day of August, A. D. 1867, at the district aforesaid, the defendants, by their certain writing obligatory of that date, sealed with their seals, and now to the court here shown, acknowledged themselves to be held and firmly bound unto the plaintiffs in the sum of twelve thousand dollars, for the payment whereof they thereby bound themselves, their heirs, executors, and administrators, jointly and severally, which said writing obligatory was and is subject to a certain condition thereunder written, whereby it was conditioned that if the said William W. Crane and Rue P. Hutchins shall transport or cause to be transported, and within thirty days from
4 the date of said writing obligatory shall complete the transportation of the following-described merchandise, viz: Fifty barrels of whisky from the bonded warehouse of Crane & Hutchins, at Tippecanoe, Ohio, directly to the bonded warehouse owned by Church Howes, at Boston, Mass., and shall deliver or cause to be delivered to the collector

of internal revenue for the district in which such bonded warehouse is situated, or his officer in charge, and shall within fifteen days produce to the collector of internal revenue for the fourth district and State of Ohio, the certificate of such collector, showing that the said merchandize has been duly delivered and placed in the warehouse above designated according to law, then the said obligation is to be void; otherwise to abide and remain in full force and virtue; and although the said William W. Crane and Rue P. Hutchins, at and after the date of the said writing obligatory, to wit, on the day and year last aforesaid, did remove the said fifty barrels of whisky from the bonded warehouse of Crane & Hutchins, at Tippecanoe, Ohio, yet the said William W. Crane and Rue P. Hutchins, not regarding their duty in the premises nor the covenant of the said writing obligatory in that behalf, did not transport or cause to be transported and within thirty days from the date of said obligation complete the transportation of said fifty barrels of whisky from the bonded warehouse of the said Crane & Hutchins, at Tippecanoe, Ohio, directly to the bonded warehouse of Church Howes, at Boston, Massachusetts, and deliver or cause the same to be delivered to the collector of internal revenue for the district in which such warehouse is situated or his officer in charge, and within fifteen days thereafter produce to the collector of the fourth district and State of Ohio, the certificate of such collector, showing that the said merchandize had been duly delivered and placed in the warehouse of the said Church Howes, according to law, but although often required by the plaintiffs the said William W. Crane and Rue P. Hutchins have wholly neglected and refused to comply with the conditions of their said obligation, contrary to the form of the statutes of the United States of America in such case made and provided, and contrary to the form of the obligation of the said William W. Crane, Rue P. Hutchins, Sidney L. Chaffee, and William M. Chaffee to the damage of the plaintiffs twelve thousand dollars, whereby said writing obligatory has become forfeited and an action hath accrued to them to have and demand of the defendants the said sum of twelve thousand dollars above demanded and thereupon they bring this suit.

(Signed) WARNER M. BATEMAN,
*U. S. Attorney, S. D. O.*

And afterwards, to wit, on the 25th day of June, in the year last aforesaid, an entry was made upon the journal of said court in the words and figures following, to wit:

*Entry.*

On motion to the court it is ordered that the default herein be, and the same is hereby, set aside, and defendants have leave to plead herein within sixty days. And this case is continued.

And afterwards, to wit, on the 18th day of January, in the year of our Lord one thousand eight hundred and seventy, an entry was made upon the journal of said court in the words and figures following, to wit:

*Entry.*

On motion to the court the default in this cause is hereby set aside and defendants have leave to plead forthwith, and plea filed.

And which said plea is in the words and figures following, to wit:

*Plea.*

United States circuit court, southern district of Ohio.

6 UNITED STATES
*vs.*
WILLIAM W. CRANE & AL. } No. 1162.

And now come the said William W. Crane, Rue P. Hutchins, Sidney L. Chaffee, and William M. Chaffee, def'ts, and, for a plea in this behalf, say that said plaintiffs ought not to have or further maintain this their said action against them, because they say that, after said William W. Crane and Rue P. Hutchins had failed to comply with the conditions of said writing obligatory, to wit, on the first day of January, 1868, the assessor of the fourth district of Ohio assessed said William W. Crane and Rue P. Hutchins for said non-compliance with the conditions of said writing obligatory, the full taxes imposed by law on said fifty barrels of highwines, and said William W. Crane and Rue P. Hutchins paid to the collector of said fourth district of Ohio, during said month of January, 1868, in full all said taxes.

Defendants admit that said William W. Crane and Rue P. Hutchins did not pay, nor have they since paid to plaintiffs, the penalty assessed against them on said first day of January, 1868, for failure to comply with the conditions of said writing obligatory, and say that before said penalty became payable under said assessment, the law providing for said penalty was wholly repealed, without saving clause, and this they are ready to verify; wherefore defendants say they are not indebted to said plaintiffs upon said writing obligatory; that the same should be cancelled; and they pray judgment if said plaintiffs should have or further maintain their said action against them.

(Signed) By H. L. BURNETT,
*Their Attorney.*

7 And afterwards, to wit, on the 25th day of January, in the year last aforesaid, came the plaintiffs, by Warner M. Bateman, esq., their attorney, and filed in the clerk's office of the court aforesaid, their demurrer to plea of defendants herein, which said demurrer is in the words and figures following, to wit:

*Demurrer.*

U. S. circ't court. Debt.

THE UNITED STATES
*vs.*
WILLIAM W. CRANE ET AL. } 1162.

Now come the plaintiffs, by the district attorney, and say that the said plea and the matters therein contained are not sufficient in law.

Wherefore they pray judg't, &c.

(Signed) W. M. BATEMAN,
*U. S. Att'y S. D. O.*

And afterwards, to wit, on the 10th day of June, in the year last

aforesaid, an entry was made upon the journal of said court in the words and figures following, to wit:

*Entry.*

On motion to the court and by consent of parties, it is ordered that the default in the above case be, and the same is hereby, set aside and defendants have leave to file their joinder in demurrer in this case forthwith, and the same is accordingly filed.

And which said joinder in demurrer is in the words and figures following, to wit:

*Joinder in demurrer.*

United States circuit court, southern district of Ohio.

UNITED STATES
*vs.*
WILLIAM W. CRANE & AL. } No. 1162.

And the said defendants say that the plea aforesaid in manner
8 and form as the same is by them pleaded, and the matters therein contained are sufficient in law to bar and preclude the said plaintiffs from having their aforesaid action against them, which they, the said plaintiffs, have not answered the said plea nor denied the same; the said defendants pray judgment, and that the said plaintiffs may be barred from having or maintaining their said action against them.

(Signed) BURNETT, FOLLET & WRIGHT,
*Att'ys for Def'ts.*

And afterwards, to wit, on the 20th day of January, in the year of our Lord one thousand eight hundred and seventy-one, an entry was made upon the journal of said court in the words and figures following, to wit:

*Entry of judgment.*

This day this cause came on to be heard upon the demurrer of plaintiffs to the plea of defendants, and was argued by counsel and submitted; and the court, being fully advised in the premises, do find and adjudge that the said plea, and the matters therein contained, are sufficient in law to bar the said plaintiffs from their action against the said defendants. Therefore it is considered by the court that said defendants go hence without day. To which finding and ruling of the court the plaintiffs, by counsel, except, and pray that the exception may be noted of record.

And afterwards, to wit, on the 24th day of February, in the year last aforesaid, came the plaintiffs, by Warner M. Bateman, esq., their attorney, and filed in the clerk's office of the court aforesaid, their bill of exceptions herein, which said bill is in the words and figures following, to wit:

*Bill of exceptions.*

In the circuit court. In debt.

THE UNITED STATES } 1162.
*vs.*
CRANE ET ALIOS. }

9 Be it remembered that, at the October, 1870, term of the circuit court of the United States for the sixth circuit and southern district of Ohio, this cause came on to be heard before the judges of the said court upon the demurrer theretofore filed by the plaintiffs to the defendant's plea, which, being argued by counsel, and the court being fully advised in the premises, did consider that the said demurrer was not well taken, and did overrule the same; whereupon the United States, by their district attorney, excepted to the overruling of said demurrer, and prayed that this, their bill of exceptions, might, by the said judges, be signed, sealed, and allowed; which is accordingly done.

(Signed) H. H. LEAVITT, [SEAL.]
*One of the Judges of said Court.*

THE UNITED STATES OF AMERICA,
*Southern District of Ohio, ss:*

I, John McLean, clerk of the circuit court of the United States within and for said district, hereby certify the foregoing transcript to be truly taken and copied from the files and record of said court as the same remain in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Cincinnati, this 24th day of February, A. D. 1871, and in the 95th year of the independence of the United States of America.

Attest:
[SEAL.] JOHN McLEAN, *Clerk.*

10 Supreme Court of the United States.

UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the circuit court of the United States within and for the southern district of Ohio, greeting:

Because in the record and proceedings, and also in the rendition of a judgment in a plea, which is in the said circuit court before you, between The United States of America, plaintiff, and William W. Crane, Rue P. Hutchins, Sidney L. Chaffee, and William M. Chaffee, defendants, a manifest error hath happened, to the great damage of the said plaintiffs, as by their complaint appears; and it being fit that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, you are hereby commanded, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same to the Supreme Court of the United States, together with this writ, so that you have the same at the city of Washington, on the first Monday in the month of December next, in the said Supreme Court then and there to be held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States should be done.

Witness the Honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States of America the 95th.

Attest:

[SEAL.] JOHN McLEAN, *Clerk.*

(Indorsed:) No. 1162. U. S. circuit court, S. D. O. The United States vs. William W. Crane et al. Writ of error. Filed February 24th, 1871. John McLean, cl'k.

11 THE UNITED STATES OF AMERICA,
*Supreme Court of the United States:*

To William W. Crane, Rue P. Hutchins, Sidney L. Chaffee, and William M. Chaffee, greeting:

Whereas the United States of America have obtained the allowance of our writ of error to the circuit court of the United States within and for the southern district of Ohio, directed to remove into the said Supreme Court, to be holden at the city of Washington on the first Monday in the month of December next, the record of a certain plaint, process, procedings and judgment, in an action of debt wherein you, the said William W. Crane, Rue P. Hutchins, Sidney L. Chaffee, and William M. Chaffee in that action lately recovered against the said the United States of America, your judgment, as by the said record in the said circuit court remaining appears, in which said record and proceedings, and also in the rendition of the judgment thereupon, manifest error hath intervened, as by the said The United States of America we are informed, and our said writ of error, granted, issued, and allowed as aforesaid, for the purpose of correcting the errors aforesaid alleged, if any there be, you are, therefore, hereby commanded and cited to be and appear before the judges of the said Supreme Court, at the city of Washington, at the next term of said court to be holden on the first Monday in the month of December next, to have the errors aforesaid corrected, and the judgment of our said Supreme Court thereupon.

Witness the Honorable Salmon P. Chase, Chief Justice of the United States of America, this 24th day of February, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States of America the 95th.

[SEAL.] H. H. LEAVITT,
*One of the Judges of said Court.*

12 (Indorsed:) No. 1162. U. S. circuit court, S. D. O. The United States vs. William W. Crane et al. Citation. Filed February 24, 1871. John McLean, cl'k.

We hereby acknowledge service of the within citation for William W. Crane, Rue P. Hutchins, Sidney L. Chaffee, and William M. Chaffee, the defendants in error.

Cincinnati, Feb'y 24th, 1871.

BURNETT, FOLLETT & WRIGHT,
*Att'ys for Def'ts in Error.*

(Indorsement on cover:) No. 525. The United States, plaintiffs in error, vs. William W. Crane, Rue P. Hutchins, Sidney L. Chaffee, & William M. Chaffee. S. Ohio C. C. U. S. Filed 14th March, 1871.